



International Trade Union Confederation (ITUC)

Statement Concerning the United Nations Convention against Corruption (UNCAC)

to the

COMMISSION ON CRIME PREVENTION AND CRIMINAL JUSTICE

Seventeenth Session, Vienna, 14 – 18 April 2008

1. Corruption undermines democracy and development and threatens workers' rights and livelihoods. The International Trade Union Confederation (ITUC) considers that the United Nations Convention against Corruption (UNCAC) provides a unique opportunity for tackling global corruption. Whilst recognising that important decisions have been made at the first and second sessions of the Conference of the States Parties (CoSP), the ITUC believes that there is an urgent need to build momentum, so as to ensure that progress is made both before and during the next CoSP, to be held in Qatar in 2009. The ITUC therefore calls on the Commission on Crime Prevention and Criminal Justice (CCPCJ) to ensure that the United Nations Office on Drugs and Crime (UNODC) has sufficient capacity to support States Parties' implementation of UNCAC and to increase its engagement with trade unions and non-governmental organisations (NGOs). It also calls on the Commission to consider including in its forthcoming activities, a study of the mechanisms for reporting cases of State harassment of those who expose corruption.

Strengthen self-assessment and the pilot programme

2. The ITUC notes with disappointment the decision made by the 2nd CoSP to postpone the adoption of a review mechanism until its next meeting in Qatar. The ITUC considers the creation of such a mechanism to be an over-riding priority for UNCAC. The experience of other Conventions demonstrates the importance of rigorous review and monitoring for effective implementation.
3. In the absence of a formal review mechanism, the ITUC believes it essential that UNODC has the capacity to strengthen the effectiveness of its current work on the self- assessment checklist and the pilot programme. Moreover, the ITUC considers that this should not be dependent on the availability of voluntary contributions and calls on the Commission to ensure that adequate resources are made available:
 - a. Self-assessment checklist:
 - i. Resolution 2/1 requests UNODC “*to continue to assist parties, upon request, in their efforts to collect and provide information requested by the self-assessment checklist and to analyse and report on the information collected to the Conference at its third session...*”. The ITUC considers this to be a fundamental activity and further notes the importance of UNODC having sufficient capacity to ensure that the submitted self-assessment checklists meet an acceptable minimum standard. The ITUC understands the limits of self-assessment, but believes that such a quality assessment would serve to protect the utility and integrity of the self-assessment exercise, rather than represent a form of external assessment by UNODC;
 - ii. Resolution 2/1 also requests UNODC “*to explore the option of modifying the self-assessment checklist to create a comprehensive information-gathering tool*”. The ITUC considers this to be a high priority, given the limited scope of the existing check-list and the importance of building a strong information base on implementation. The ITUC recommends that the

checklist be extended to include *preventive measures*, including Article 13 which provides for public participation, and *non-mandatory provisions*, such as Article 33, which requests States Parties to take steps to protect whistleblowers.

b. Pilot programme

- i. The ITUC also underlines the importance of further developing the pilot programme, which currently involves a small number of States Parties testing other forms of assessment, including peer review and the use of experts. The ITUC is extremely concerned, however that, to date, the pilot programme has been carried out without any public consultation and on a wholly non-transparent basis. Given that its aim is to *test methods*, rather than to assess implementation, then the pilot programme should use best practice. The ITUC considers it vital that the pilot programme be expanded, both in terms of the numbers participating and the range of methods tested, and that from hereon the assessments be undertaken participatively and transparently.

Increasing Engagement with Trade Unions and other NGOs

4. The ITUC believes that trade unions and other NGOs have a crucial role to play in translating the ambition of UNCAC into real change on-the-ground.
5. Article 13 of UNCAC requires States Parties to take measures to promote public participation in their anti-corruption activities. Furthermore, in his opening address at the 1st CoSP in Jordan, Antonio Maria Costa stated that “*UNCAC belongs to the people*”.
6. The ITUC considers it vital that UNODC increase its engagement with trade unions and other NGOs throughout the full range of its work. For example:
 - a. Involvement in the self-assessment checklist: UNODC could usefully consult with trade unions and other NGOs on the provisions to be added to the self-assessment checklist;
 - b. Supporting participation at the CoSP: trade unions and other NGOs from developed and developing countries attended both CoSPs in Jordan and Bali. However, the numbers were limited due to a lack of financial support and, for those that did attend, time spent fund-raising represented a considerable diversion of effort from working on the issues.

Protecting the victims of corruption

7. Finally, the ITUC calls on the Commission to include in its forthcoming activities a study of mechanisms for reporting cases of State harassment of those who expose or campaign against corruption.
8. The ITUC is gravely concerned about the harassment of trade unionists who have blown the whistle on corruption, including recent cases in the States Parties of Algeria, Peru and the Philippines, where trade unionists have been suspended from their jobs without pay, or received threats to their lives.
9. The statement of the Coalition of Civil Society of Friends of UNCAC, submitted to the CoSP in Bali, reminded States Parties that “*Success in the fight against corruption depends on those courageous enough to report or denounce corruption at work and in society*”. Noting the “*...large number of citizens and workers who are sacked, suspended or removed from their jobs, unlawfully prosecuted, imprisoned, subjected to physical attacks and threats or otherwise harassed*”, the Coalition called on the CoSP “to start the process of developing a mechanism for reporting cases of harassment”.
10. The ITUC considers this to be a high priority and calls on members of the Commission to give consideration to how to take this important work forward.
